

REMARKS

The Office Action mailed January 14, 2005, has been reviewed and the Examiner's comments have been carefully considered. No claims have been amended, canceled or added. In view of the reasons that follow, claims 1-28 are pending and are submitted for reconsideration.

Allowable Subject Matter

Applicants note with appreciation the indication that claims 5, 7, 8, 10, 11 and 13-28 have been allowed.

35 U.S.C. 112 Rejections

Claims 1-4, 6, 9 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In addition, claims 1-4, 6, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The rejections should be withdrawn for at least the following reasons.

The Office Action states that the original specification and drawings do not support the two support members being "adapted to be moved away from one another to a collapsed position." Office Action at p. 2. Applicants disagree and submit that the specification does support "wherein the supporting device includes at least two support members that can be moved away from one another to a collapsed position," as recited in claim 1. Figs. 3 and 4 of the application show the folding sign with two support members moving away from one another to a collapsed position. Fig. 3 shows the folding sign in a partially collapsed state and Fig. 4 shows the folding sign in a collapsed state. Further, the application states that "[u]pon application of a predetermined force to the top of the folding sign 10, the coil springs 43 flex and the legs 31 rotate up about 60 degrees, enabling the supporting device 30 to collapse to the ground (Figure 4)." Application at p. 6, ¶ 40. Support for claim 1 may also be found in paragraphs 15, 16, 36 and 38.

The indefinite rejection is based on the contention that it is unclear how the support members are moved away from another in the collapsed position. See Office Action at p. 2, ¶

4. Claim 1 requires that the two support members “can be moved away from one another to a collapsed position,” and how to specifically move the support members away from one another would be an additional feature to which the claim is not limited. In the specific embodiment discussed above, the two support members move away from one another by virtue of the coil springs 43. A coil spring 43 is located at the top of each leg 31, each leg 31 extending through the bottom section (largest diameter) of the coil spring 43. Application at ¶¶ 38, 40. The coil springs 43 flex and allow the legs 31 to rotate up about 60 degrees and move away from one another when a force is applied to the folding sign 10. Reconsideration and withdrawal of the rejections of claim 1 is respectfully requested.

Claims 2-4, 6, 9 and 12 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims. Reconsideration and withdrawal of the rejection of claims 2-4, 6, 9, and 12 are respectfully requested.

35 U.S.C. 102 Rejections

Claims 1-4, 6, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent No. 1 188 988 (“Holzmann”). The rejections should be withdrawn for at least the following reasons.

The rejection should be withdrawn because the cited reference fails to teach every element of the claimed invention. For example, Holzmann does not teach or suggest “a supporting device for supporting the flexible cover, wherein the supporting device includes at least two support members that can be moved away from one another to a collapsed position,” as required by claim 1. On the contrary, Holzmann discloses a folding sign with a supporting device (2) that can move between an open and closed position. Fig. 1 of Holzmann shows the sign in an open position. The supporting device (2) is connected to struts (9), which are in turn connected to a central post (4). This structure prevents the leg members of the supporting device (2) from moving beyond the open position. Thus, the leg members can not be moved away from one another to a collapsed position as called for in

claim 1. For at least this reason, Holzmann does not anticipate claim 1. Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

Claims 2-4, 6, 9, and 12 depend from claim 1 and are allowable therewith for at least the reasons set forth above without regard to further patentable subject matter contained therein. Reconsideration and withdrawal of the rejection of claims 2-4, 6, 9, and 12 are respectfully requested.

Conclusion


In view of the foregoing remarks, Applicants believe that the application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. If there are any questions regarding the prosecution of this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

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By  RN 38,072

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